THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE K. C. BHANU

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WRIT PETITION NO.24061 OF 2005

Dated: 30.11.2005

Between:

Azra Sultana, W/o M. Mahmood Hussain.

..Petitioner

And

The Engineer-in-Chief (P.H.), Public Health,

A.C. Guards, Hyderabad and two others.

.. Respondents.

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&

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WRIT PETITION NO.24061 OF 2005

ORAL ORDER: (Per Hon'ble Smt. Justice T. Meena Kumari)

This is a taken up writ petition on the petition dated 28.10.2005 sent by the petitioner seeking a direction to the respondents to release the pensionary benefits of her husband viz., Mohd. Mahmood Hussain.

The 1st respondent filed a counter stating that the husband of the petitioner was placed under suspension with effect from 19.12.1997 to 2.12.2001 in connection with certain irregularities and subsequently, pending finalization of enquiry, he was reinstated into service. The Government issued orders vide G.O.Rt No.1057 dated 12.7.2005 to treat the above suspension period as 'not on duty'. If any application is made by the said Mahmood Hussain to sanction any kind of leave for the above suspension period, the said period will be regularized as per rules and then, retirement benefits will be released.

Heard the learned Counsel for the petitioner as well as the learned Government Pleader for Municipal Administration and Urban Development and

perused the material available on record.

The facts of the present case go to show that the husband of the petitioner is a retired Deputy Executive Engineer in Public Health Department. Therefore, the petitioner has to approach the appropriate authority to avail the remedies available under law, if she so desires.

Accordingly, the present writ petition is dismissed as not maintainable.

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Justice T. Meena Kumari

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Justice K.C. Bhanu

Date: 30.11.2005

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